



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200150089

Date: October 18, 2001

Comments Due: November 2, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act and water quality certification under Section 401 of the Clean Water Act to place fill in approximately 0.73 acres of wet meadow wetlands located adjacent to the Provo River in Woodland, Utah.

APPLICANT: Mr. Isaac M. Stewart, Jr.
191 East 100 North
P.O. Box 157
Midway, Utah 84049

LOCATION: This project is located in Section 10, Township 3 South, Range 6 East, in Summit County, Utah. Proposed wetland impacts occur in wet meadow wetlands adjacent to the Provo River near Woodland, Utah. The site is located on the north side of the river.

PURPOSE: The purpose of this project is the construction of a single family residence. The construction of the access road, utility lines, and the house would create impacts to "waters of the U.S."

PROJECT DESCRIPTION: The applicant has proposed construction of a single family residence on 16.84 acres, 16.14 acres of which is wet meadow wetlands adjacent to the Provo River in Woodland, Utah. The building pad for this house is 102.27 x 111.00 feet and would be located entirely in the wetland. The utility line, also located entirely in wetland, runs for approximately 1000 feet for a total impact of 0.24 acres to wetland. The access road to the house runs across adjacent property, then parallels the Provo River on top of an existing dike, and finally leaves the dike to approach the home. The access road, as proposed, will impact approximately 0.24 acres of wet meadow wetland. Part of this impact includes a creek crossing.

AREA DESCRIPTION: The proposed location for this project is on property adjacent to the Provo River in Woodland, Utah. The property is triangular in shape and consists of 16.84 acres, of which 16.14 acres is wet meadow wetland. *Carex nebrascensis* (Nebraska sedge), *Juncus balticus* (Baltic rush) and *Agrostis alba* (Redtop) occur in large percentages in the wetland areas.

The southern boundary of the property is the dike separating it from the Provo River. The northern boundary is private property used for cattle grazing and consisting of intermittent wetland acreage. The western boundary also borders private property for which the current use is grazing. The property borders forested grazing private property to the east.

Approximately 0.70 acres of upland islands exist on the site. *Phleum pratense* (Timothy grass) and *Dactylis glomerata* (Orchard grass) dominate these areas. A creek enters the property from the east and exits the property at its northwestern border. Forested wetlands exist along the southern boundary between the creek and the dike. The hydrology that feeds the wetlands on this property likely exists due to a high groundwater table associated with the river and the creek that runs through the property.

The 100-year flood plain map is attached. The northern boundary of the floodplain is mapped and indicates that the existing dike is the northern boundary. Under normal conditions, with no dike present, the property would likely be within the flood plain of the Provo River. New normal conditions, however, minimize the flood plain with the dike.

ALTERNATIVES:

The no build alternative would not accomplish the project purpose, however no impacts to "waters of the U.S.," including wetlands, would occur. A second alternative would relocate the access road along the northern boundary of the property. The applicant has not contacted the adjacent property owner to discuss this possibility and wetland impacts associated with this alternative have not been calculated. A third alternative which would locate the house at a different location within the property would likely still impact the same wetland acreage. The applicant is currently preparing a more detailed alternatives analysis. An off-site alternatives analysis has not been provided.

MITIGATION: Mitigation possibilities have not yet been determined.

ADDITIONAL INFORMATION:

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected.

Presently unknown cultural resources may be located in the permit area.

It is unknown whether any threatened or endangered species exist in the permit area. Comments from the Fish and Wildlife Service are solicited with this Public Notice.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **November 2, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public

hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Certification that the proposed work, if permitted, will not violate applicable water quality standards has been requested from the Utah Division of Water Quality. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, PO Box 144870, Salt Lake City, Utah 84114-4870, on or before **November 2, 2001**.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact Matt Betts (the applicant's agent with Pentacore EPG), telephone (801) 562-2521, or Ms. Amy Defreese, at the Utah Regulatory Office, telephone (801) 295-8380, ext. 13, or email adefreese@spk.usace.army.mil.

Written comments should reference Public Notice No. 200150089 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Amy Defreese, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due on November 2, 2001.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: 8 Drawings